



Goal 5: Urbanization and Wetlands Rulemaking Advisory Committee (RAC) Meeting Summary

December 8, 2025, RAC Meeting #1

Location: The meeting was conducted virtually over Zoom Webinar and livestreamed to the public on YouTube.

RAC Member Participants:

- Charles Bennett
- Matthew Brown
- Jacob Callister
- Max Carter
- Stacy Connery
- Glenn Fee
- Glen Hamburg
- Ezra Hammer
- Philip Higgins
- Shawn Irvine
- Kathy Majidi
- Gerald “Murph” Murphy
- Brock Nation
- Alexandra Ring
- Katie Ryan
- Josh Smith
- John Van Staveren

- Ellen Porter (LCDL Liaison)
- Jevra Brown (DSL)

Department of Land Conservation and Development (DLCD) Staff Attendees:

- Melissa Ahrens, Mid-Willamette Valley Regional Representative
- Matthew Hampton, Rules Coordinator/Records Officer
- Gordon Howard, Community Services Division Manager
- Jess Miller, Executive Support Specialist
- Amanda Punton, Natural Resources Specialist
- Casaria Taylor, Senior Rules Coordinator/Records Officer
- Kevin Young, Senior Urban Planner, RAC Facilitator

Introductions & Process Clarity

Kevin Young welcomed the group and thanked them for their willingness to serve as members of this RAC. He relayed a message from DLCD's Director, Dr. Brenda Bateman, conveying her regret at being unable to attend the meeting and her commitment to monitoring the discussion and excitement for the rulemaking. Kevin led the group through introductions. Commissioner Ellen Porter, Land Conservation and Development Commission (LCDL) liaison, introduced herself, explained her background in environmental work. She said she is looking forward to the rulemaking and getting to know the members of the RAC. This was followed by Jevra Brown, Aquatic Resource Planner at Oregon Department of State Lands (DSL), who introduced herself and expressed her excitement at working with the RAC. DLCD staff introduced themselves, and then each RAC member followed with their own introductions.

Kevin then reviewed the charge and charter of the rulemaking, as well as the scope of the rulemaking, emphasizing LCDL's intent was that the rulemaking be "policy neutral," meaning to protect wetlands while allowing needed development outside wetlands. He followed by explaining the role of the RAC in the rulemaking process, clarifying that the RAC is an advisory body to DLCD staff by providing feedback and discussing their various perspectives and knowledge on the subject. He also touched on Oregon's Public Meetings Law

then went over the meeting process, listing specific rules and principles for behavior during meetings and when conducting RAC business (including listening to others with respect, seeking to reach agreement and resolve differences, and attending as many meetings as possible). He emphasized that each meeting would end with “action items” for the RAC members to complete. RAC members were in agreement with these principles.

Discussion: Framing the Issue and Proposing an Approach

Amanda Punton provided a brief orientation to the wetlands and urbanization topic, noting that a more detailed background paper had been included in the RAC’s materials packet. Amanda reviewed the current rule language for wetlands and urbanization, noting that DLCD’s current rules (OAR 660-023) require cities to adopt a local Goal 5 wetland protection program for an entire urban growth boundary (UGB) area as part of periodic review and for a UGB expansion area prior to development in an expansion area. A local Goal 5 wetland program includes:

- A local wetlands inventory, reviewed and approved by the Oregon Department of State Lands (DSL), including an assessment to identify significant (high functioning) wetlands
- Development limits on locally protected wetlands to preserve wetland functions in place.

Amanda explained that all wetlands are subject to DSL permit and mitigation requirements (and are often also subject to permitting and other requirements administered by the U.S. Army Corps of Engineers (COE)). Amanda explained that local Goal 5 wetland protection programs preserve important wetland functions in place while state and federal removal/fill laws allow offsite mitigation.

Amanda then described that the current DLCD rules contribute to delays in local permitting of new development in new urban areas because the rules currently disallow any development in UGB expansion areas until a Goal 5-compliant wetlands program is adopted for the area.

Amanda then covered the proposed approach to the rulemaking, consistent with direction from LCDC. This proposed approach would create an optional Goal 5 compliance pathway that cities could apply to UGB expansion areas. The approach would allow development in upland (non-wetland areas), provided that a city adopts measures to assure that all wetlands are avoided until a city transitions to a full Goal 5 wetland program. The rulemaking would also clarify data sources to be used to determine wetland presence at the time of UGB amendment.

Key questions DLCD staff have proposed to the RAC include:

- What details should the rule provide on the structure of an optional wetland avoidance program?
- What should the rule require as a commitment when a city opts to implement a wetland avoidance program?
- What should the expectations be for a city's transition from an optional wetland avoidance program to a full local Goal 5 wetlands program?
- How can Division 23 recognize improvements in the State Wetlands Inventory and other data sources since 1996 to determine potential wetland presence in a UGB expansion area?

In answer to a question, Amanda explained that the regulatory definition of a wetland that DSL uses for permitting can translate into local code. To determine definitively whether land meets that definition, on-site access is needed.

Kevin explained that the proposed wetland avoidance option could be in effect before a full Goal 5 program was adopted by a local government and that, wetland delineations and determinations of uplands could inform a future LWI, thereby reducing redundant work.

Amanda said that the predominately hydric soils layer is available through DSL's website as a part of the Oregon Statewide Wetlands Inventory (SWI). She explained that the SWI includes data from the National Wetlands Inventory. The SWI provides a rough estimate of where wetlands are and their size, making it useful to flag where additional investigation is needed. She emphasized that an

LWI is an important planning tool for cities, because an LWI provides much better locational data and identifies significant wetlands.

A RAC member described how hydric soils is only one piece for determining a wetland, and that the National Wetlands Inventory is usually inaccurate since it relies on aerial photography and has limited on-the-ground research. They also asserted that the SWI predominately hydric soil layer is not a reliable tool for determining wetlands on its own, as wetlands can exist in areas marked as not having hydric soils.

Amanda then answered a hypothetical question from a RAC member about how the process would work, explaining that to determine a wetland, a delineation would be conducted on site. The delineation would then be reviewed by DSL. Once that delineation is approved by DSL, the local government would know where the wetland boundary was, and development would be allowed outside the wetland. This would happen more quickly than the time needed to complete an LWI and a local Goal 5-compliant wetlands program. Jevra Brown, DSL, added that data from a DSL approved delineation is easily incorporated into an LWI, so the time and expense of the delineation process is not lost; rather, it would jumpstart the LWI process. Amanda added that delineations can be done on a property-by-property basis, whereas the LWI process requires review of an entire UGB expansion area.

Another RAC member brought up that the existing regulations are triggered by a PAPA for a UGB amendment, and that specifically for Metro, the UGB expansion process would happen before a local government within Metro initiates the comprehensive planning phase for that space. They raised a need for clarifying what the regulatory trigger for this process would be for Metro.

Amanda then discussed the key questions with the RAC. She explained that when DLCD framed this potential rule amendment the idea was that an optional wetland avoidance program would be an interim program, which would allow development while protecting all wetlands until a full local Goal 5 wetlands program was adopted. She stated that the Governor's Office has asked DLCD to consider a scenario where a local government would adopt an avoidance program and not replace it with a full Goal 5 wetland program. She clarified that a delineation does not include the wetland assessment, which is

a required component of an LWI, and that the intent of the rulemaking is not to remove the requirement for an LWI from the rules. Kevin added that wetland presence does not prevent a decision to expand a UGB into a particular area; the division 23 rules apply after a UGB is amended.

A RAC member asked DLCD to consider inclusion of a “safe harbor” provision, so if a jurisdiction did not have a setback in code, an applicant would not be forced to do the delineation process, citing concern that each dollar spent on analysis is taken away from something being built. Jevra clarified that delineation process is precise within a meter in showing wetland boundaries. She also noted that determinations of uplands can be used to determine that an area (maximum two acres) has no waters or wetlands. She added that these processes are less expensive than the LWI process.

In answering a question from a different RAC member, Amanda explained that determining which land to expand the UGB into is outside the scope of this rulemaking.

A RAC member asked if wetland buffer zones are required or would be required, and Amanda answered that they are not currently required under Goal 5 (except in Metro which has an additional regional requirements). Amanda then said that in maintaining the policy-neutral nature of the rulemaking, any buffer required by the new rules would likely need to be small. The safe harbor protection program for significant wetlands in the current rule does not include a buffer. Any wetland buffer must be supported by an ESEE analysis.

The meeting was then paused for a short break.

Discussion: Draft Rule Language Questions

Amanda led the discussion around the draft rule language. She explained that DLCD staff wanted to explain the content and intent of the rulemaking to the RAC before discussing the draft rule language. She explained that the remainder of the meeting would be an overview of the draft language and that the draft language would be sent to the RAC members immediately following the end of the meeting for review and feedback. She also explained that staff will take the feedback in the meeting and receive it in writing up to December

22nd, 2025, and will revise the draft rule language based on that feedback. She also shared that the current plan is to have a complete draft of the rule language prepared for the second RAC meeting, which is yet to be scheduled. Kevin clarified that RAC members can send feedback any time, but staff could only promise that feedback received by December 22nd 2025, would be incorporated into the next draft of the rule language due to time constraints.

Amanda then reviewed the changes, beginning with minor proposed changes to OAR 660-023-0100 Sections, 1, 2, 3 (currently part of Section 2), 4 (current Section 3), and 5 (current Section 4). She then began to explain major proposed changes, beginning with a new section (6) that details the optional wetland avoidance program for areas added to a UGB. She requested input from the RAC on:

- What the rule should require as a commitment to adopting and implementing a wetland avoidance program; and
- When the commitment needs to be made

Amanda shared some ideas for how these questions might be addressed to prime the RAC for discussion. Kevin asked the RAC if there was a preference for a “one-size-fits-all” approach to the program outlined in Proposed Section 6 of the rule, or if there was a preference for flexibility among local governments. Some RAC members expressed that flexibility among the rules is preferred, and potentially having language that addresses situations where UGB expansion and delineation happen at the same time, in addition to language where they are separate, would be beneficial to local governments.

Amanda switched discussion to Proposed Section 7 of the rule, which would be a new section that would address the transition from Wetland avoidance program to a full Goal 5 inventory and protection program. She requested input from the RAC on:

- When is allowing a city to maintain a wetland avoidance program indefinitely consistent with Statewide Land Use Planning Goals?
- If transition to a full local wetland protection program is required for some cities, when should that transition occur?

On the second point, Amanda reiterated that it would not be within the rulemaking's policy-neutral intent to allow all cities in all UGB expansion scenarios to operate under an avoidance program indefinitely without the eventual adoption of a full Goal 5 inventory and protection program.

One RAC member asked if the rule would be applied directly to local governments. Amanda answered by saying the rule is not meant to apply directly, but if time and resources allow, department staff may be able to develop implementing model code language. Another RAC member brought up that wetlands can be used as infrastructure, and Amanda noted that this could be reflected in how the rule is messaged to the public.

Amanda switched discussion to Proposed Section 8 (current Section 5), which would be another minor change to update the rule to reflect change from paper maps in 1996 to the online SWI. She also noted that the last three sections of the rule (current Sections 6, 7, and 8 – which would become Sections 9, 10, and 11) would not be changed by the rulemaking.

Next Steps and Questions

In closing the conversation, Kevin reiterated that the scope of the rulemaking has been very clearly defined by the LCDC, and we are limited to focus on what DLCD can do, without addressing other factors outside of DLCD's control.

Kevin reviewed the next steps for the RAC, which include:

- RAC Meeting #2 will be scheduled for a date in January, RAC members will receive a Doodle poll in their email to complete scheduling.
- RAC Meeting #3 will be scheduled for a date in February, RAC members will receive a Doodle poll in their email to complete scheduling.*
- RAC Meeting #4 will be scheduled for a date in late April or early May, RAC* members will receive a Doodle poll in their email to complete scheduling.
- He asked RAC members to please review draft rules and provide any comments and revisions by December 22nd to inform the next rule draft, which will be reviewed at RAC Meeting #2.

- RAC members asked if Track Changes in Word is appropriate for providing feedback, and Kevin responded affirmatively.
- RAC members asked if the current rule language is available to compare to the draft revisions, and Amanda responded that the current language is included in the draft.

**UPDATE: due to scheduling constraints identified after the first RAC meeting, DLCD staff will select dates for RAC meetings 3 and 4 without assistance from a poll.*